

REMARKS/ARGUMENTS

Applicant respectfully request that the Examiner cancel Claims 2, 5, 7, 10, 13 and 15 and submits that Claims 1, 3, 4, 6, 8, 9, 14, 16 and 17 are currently pending in this Application. In the Office Action mailed on November 4, 2004, the Examiner, *inter alia*:

- 1) accepted Applicant's Request for Continued Examination;
- 2) rejected Claims 1, 3-14 and 16 under 35 U.S.C. § 103(a) as unpatentable over the U.S. Patent No. 6,088,429 to *Garcia* (the "Garcia reference") and U.S. Patent No. 6,665,647 to *Haudenschild, et al.* (the "Haudenschild reference"); and
- 3) rejected Claims 2, 15 and 17 under 35 U.S.C. § 103(a) as unpatentable over the Garcia reference and the Haudenschild reference as applied to Claims 1, 3-14 and 16 above and in further view of U.S. Patent No. 4,315,309 to *Coli* (the "Coli reference").

Applicant respectfully addresses the above-listed items below.

Applicant's Request for Continued Examination:

Applicant expresses its gratitude to the Examiner for granting its Request for Continued Examination filed July 19, 2004. Applicants believe that in light of this Amendment and Response, the Application is in allowable form and respectfully request that the Examiner advance the Application to issue.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over the Garcia and Haudenschild references:

In the Office Action, the Examiner rejected Claims 1, 3-14 and 16 under § 103(a) as being unpatentable over the Garcia and Haudenschild references. Applicant respectfully disagrees.

Claim 1:

With regards to Claim 1, Applicant submits that the Garcia reference discloses an *interactive automated telephony* system and primarily uses telephone voice processing devices to retrieve and relay information. (See *e.g.*, the Garcia reference, col. 6, line 49 - col. 7, line 12). Although the

Examiner suggests otherwise, the Garcia reference fails to disclose, for example, a data *viewing* module and a patient access module in communication with the database and being configured to allow access by a user to *view* tests performed on a patient, as required by Claim 1. Moreover, Applicant respectfully submits that neither the Garcia or Haudenschild references, taken individually or in combination, teach or make obvious, for example, a data collection module comprising one or more *test data entry forms configured to accept digital signatures*, as required by amended Claim 1.

Accordingly, Garcia and Haudenschild references fail to render the Applicant's invention obvious. There is also no suggestion or motivation in the Garcia or Haudenschild references to prompt one of ordinary skill to selectively and non-inventively combine elements as required by Claim 1. Claim 1 is thus patentably distinguishable over the art cited. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claim 1.

Claims 3 and 4:

Although the Examiner provided arguments in support of the rejection, Claims 3 and 4 depend from allowable Claim 1 and thus are also allowable. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 3 and 4.

Claim 5:

Applicant requests that the Examiner cancel Claim 5. Accordingly, the rejection to Claim 5 is moot. Applicant therefore respectfully requests the withdrawal of the rejection to Claim 5.

Claim 6:

With regards to Claim 6, Applicant respectfully submits that neither the Garcia or Haudenschild references, taken individually or in combination, teach or make obvious, for example, *a code segment to affix a digital signature*, as required by amended Claim 6. Although the

Examiner cited to column 7, lines 10-15 and column 9, lines 13-20 (without citing to a specific the reference) for support, Applicant finds that neither the Garcia or Haudenschild references disclose a *code segment to affix a digital signature*.

Accordingly, Garcia and Haudenschild references fail to render the Applicant's invention obvious. There is also no suggestion or motivation in the Garcia or Haudenschild references to prompt one of ordinary skill to selectively and non-inventively combine elements as required by Claim 6. Claim 6 is thus patentably distinguishable over the art cited. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claim 6.

Claims 7 and 10:

Applicant requests that the Examiner cancel Claims 7 and 10. Accordingly, the rejection to Claim 7 and 10 is moot. Applicant therefore respectfully requests the withdrawal of the rejection to Claims 7 and 10.

Claims 8, 9 and 11:

Claims 8, 9 and 11 depend from allowable Claim 6 and thus are also allowable. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 8, 9 and 11.

Claim 12:

With regards to Claim 12, Applicant respectfully submits that neither the Garcia or Haudenschild references, taken individually or in any combination, teach or make obvious, for example, a method of managing specialized healthcare needs comprising a step of viewing the test data entry forms and optionally *affixing a digital signature to the test data entry form*, as required by amended Claim 12.

Accordingly, Garcia and Haudenschild references fail to render the Applicant's invention obvious. There is also no suggestion or motivation in the Garcia or Haudenschild references to prompt one of ordinary skill to selectively and non-inventively combine elements as required by Claim 12. Claim 12 is thus patentably distinguishable over the art cited. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claim 12.

Claim 13:

Applicant requests that the Examiner cancel Claim 13. Accordingly, the rejection to Claim 13 is moot. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claim 13.

Claims 14 and 16:

Claims 14 and 16 depend from allowable Claim 12 and thus are also allowable. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 14 and 16.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over the Garcia and Haudenschild references in further view of the Coli reference:

In the Office Action, the Examiner rejected Claims 2, 15 and 17 under § 103(a) as being unpatentable over the Garcia and Haudenschild references as applied to Claim 1, 3-14 and 16 above, and in further view of the Coli reference. Applicant respectfully disagrees.

Claims 2 and 15:

As requested earlier, the Applicant wishes to cancel Claims 2 and 15. Accordingly, the rejection to Claims 2 and 15 is moot. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 2 and 15.

Claim 17:

Claim 17 depends from allowable Claim 12 and thus is also allowable for the reasons stated above. That aside, Applicant respectfully submits that neither the Garcia or Haudenschild or Coli references, taken individually or in any combination, teach or make obvious, for example, a method of managing specialized healthcare needs comprising the steps of editing the patient test data, wherein the step of editing further includes a step of viewing the test data entry forms and optionally *affixing a digital signature to the test data entry form*, as ultimately required by Claim 17.

Applicant further submits that there is also no suggestion or motivation in the Garcia or Haudenschild or Coli references to prompt one of ordinary skill to selectively and non-inventively combine elements as required by Claim 17. Claim 17 is thus patentably distinguishable over the art cited. Applicant therefore respectfully requests favorable reconsideration and withdrawal of the rejection to Claim 17.

CONCLUSION

In light of the remarks and arguments presented above, Applicant respectfully submits that the pending and amended claims in the Application are in condition for allowance. Favorable reconsideration and allowance of Claims 1, 3, 4, 6, 8, 9, 14, 16 and 17 is therefore respectfully requested.

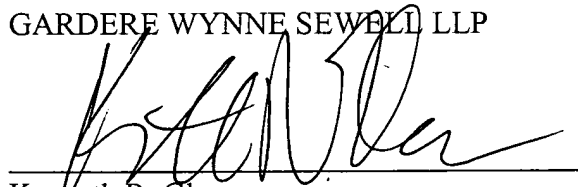
Applicant hereby authorizes the Commissioner to charge any fees, other than the issue fee, that may be required by this paper to Deposit Account 07-0153. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Dated: _____

2/4/05

Respectfully submitted,

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